

REMARKS

Claims 1-34 are pending in this application. By this Amendment, claims 1 and 9 are amended and claim 34 is added. Support, for the amendments to independent claim 1 can be found in Applicants' specification on pages 11 and 18, for example. No new matter is added by these amendments. Reconsideration of the application in view of the above amendments and the following remarks is respectfully requested.

I. Election of Species

Applicant confirms that claims 1-6, 8, 9, 11-18, 21-23, 25, 31 and 34 continue to read on elected Figs. 6B, 11F, 13C, 14B, 15B, 16B and 19C. Applicant respectfully requests rejoinder of non-elected claims 7, 10, 19, 20, 24, 26-30 and 32-33 when independent claim 1 is found to be allowed. Rejoined is proper because claim 1 is generic to claims 7, 10, 19, 20, 24, 26-30 and 32-33, and thus claims 7, 10, 19, 20, 24, 26-30 and 32-33 would be allowable for the same reasons that claim 1 is allowable.

II. 35 U.S.C. §112, Second Paragraph

The Office Action rejects claims 4-6 and 11-14 under 35 U.S.C. §112, second paragraph. By the November 17, 2008 Amendment, independent claim 1 has been amended to recite "absorbers" in order to provide proper antecedent basis. Accordingly, Applicant respectfully requests that the rejection be withdrawn.

III. 35 U.S.C. §103(a)

The Office Action rejects claims 1-6, 9, 11-14 and 18 under 35 U.S.C. §103(a) over U.S. Patent No. 4,364,992 to Ito et al. (hereinafter "Ito") in view of U.S. Patent No. 5,830,202 to Bogdanski et al. (hereinafter "Bogdanski"). The rejection is respectfully traversed.

A. Independent Claim 1

Independent claim 1 calls for a leak preventer having a sheet, and two bags provided separately on right and left of an upper side of the sheet, each of the two bags are liquid-impermeable and have an opening facing with each other.

The Office Action on page 3 admits that Ito lacks absorbers provided independently in each of the two bags.

Instead the Office Action asserts that Bogdanski discloses independent doubled over sections 14, 14' holding absorbent particles 9. However, Bogdanski does not disclose that the two bags are liquid-impermeable. In particular, the substrate 7, which includes the doubled over sections 14, 14' (alleged two bags), that wraps around the absorbent gelling material particles 9 (alleged absorbent) is formed by a nonwoven, tissue, apertured film or the like (see Bogdanski's Fig. 12 and col. 9, lines 14-25). Therefore, liquid urine will move through the substrate 7 into the absorbent gelling particles 9 and then the absorbent gelling particles 9 become wet (see Bogdanski's col. 12, line 65 to col. 13, line 2). Thus, the substrate 7 is liquid permeable and Bogdanski does not disclose or suggest all of the features of independent claim 1.

Moreover, such a feature would not have been obvious or reasonably predictable in view of the combination of Ito and Bogdanski because such a feature gives the additional effect of not providing discomfort to a consumer of such an absorbent article. In particular, the conventional absorbent article disclosed in Ito, and as modified by Bogdanski, has a two layer lateral structure that causes discomfort in the crotch of a consumer when filled with body fluid. Whereas, the absorbent article in independent claim 1 alleviates the discomfort because of the absorbers being provided independently of each other and the capability of absorbing all of the urine even if the flow exceeds the absorption rate of the absorbers. Thus, Ito and Bogdanski fail to disclose or suggest the above-mentioned features.

Accordingly, Applicant respectfully requests that the rejection be withdrawn.

B. Dependent claims 9 and 34

Dependent claims 9 and 34 recite that a ratio of an average left-to-right length W to an average front-to-rear length L is 1.0 (1.2) or more.

Ito and Bogdanski fail to disclose or suggest this feature. As noted in the Office Action, on page 5, Ito's absorbent article allegedly has a ratio of only 0.75, and it appears that Bogdanski discloses an absorbent structure that has a ratio of less than 0.50 (see Bogdanski's col. 13, lines 52-56). Therefore, Ito and Bogdanski fail to disclose or suggest the above-mentioned features of dependent claims 9 and 34.

Accordingly, Applicant respectfully requests that the rejection be withdrawn.

C. Remaining Dependent Claims

The Office Action rejects claim 8 under 35 U.S.C. §103(a) over Ito in view of Bogdanski and U.S. Patent Application Publication No. 2003/0089633 to Sorebo et al. (hereinafter "Sorebo"); claims 15-17 under 35 U.S.C. §103(a) over Ito in view of Bogdanski and U.S. Patent No. 4,846,813 to Raley; claims 21, 23, 25 and 31 under 35 U.S.C. §103(a) over Ito in view of Bogdanski and U.S. Patent No. 5,954,201 to Finch et al. (hereinafter "Finch"); and claim 22 under 35 U.S.C. §103(a) over Ito in view of Bogdanski, Finch and U.S. Patent No. 5,674,214 to Visscher et al. (hereinafter "Visscher"). The rejections are respectfully traversed.

Sorebo, Raley, Finch and Visscher fail to overcome the deficiencies of Ito and Bogdanski as mentioned above, with respect to independent claim 1. Thus, at least in view of the patentably distinct features of independent claim 1, as well as for the individual features recited in claims 8, 15-17, 21- 23, 25 and 31, the rejections of claims 8, 15-17, 21-23, 25 and 31 should be withdrawn.

Accordingly, Applicant respectfully requests that the rejections be withdrawn.

IV. Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of the claims are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,

James A. Oliff
Registration No. 27,075

Rodney H. Rothwell, Jr.
Registration No. 60,728

JAO:RHR/nlp

Attachments:

Request for Continued Examination
Amendment Transmittal

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OLIFF & BERRIDGE, PLC
P.O. Box 320850
Alexandria, Virginia 22320-4850
Telephone: (703) 836-6400

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